

COMMISSION CONFERENCE**JULY 17, 2001**

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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore (2:11), and Smith

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

I-A – Budget Message

A discussion was scheduled about the City Manager's proposed operating budget for Fiscal Year 2001/2002. (See also Item R-1 on the Regular Agenda, this date).

At 2:11 P.M., Commissioner Moore arrived at the meeting.

The City Manager said it was his annual duty to present a recommended budget, and he had distributed a written budget for review during the summer months before public hearings were held on the subject in September. He advised that the increase in the operating property tax rate above the rolled back rate in the recommended budget would be 9.9%. He noted that page 8, paragraph 3 of the executive summary distributed to the Commission indicated that the combined rate would be 1.3% above the rolled back rate. The City Manager said the largest increase fell in the General Fund of 8.4% over last year, bringing the General Fund budget to \$193.8 million as compared to \$178.4 million last year.

The City Manager proposed that the tax rate remain the same, although revenues would be increased. As compared to other cities, the City of Fort Lauderdale ranked 10th among the 14 larger cities in the State of Florida in terms of the current operating tax rate. He said that among the 30 cities in Broward County, Fort Lauderdale ranked 18th in terms of the operating rate. The City Manager stated that the increase in the tax rate over the rolled back rate would be higher than in recent years, but it was lower than some recent years compared to the year before. He stated that the proposed rate captured the growth in the tax roll, while residential homesteaded property was limited to a maximum increase of 30%. For purposes of this discussion, the City Manager thought it was important to remember that 1 mill generated approximately \$13.5 million.

The City Manager stated that the majority of the City's revenues came from property taxes, with \$76.3 million generated, constituting 41% of the General Fund. He advised that when all funds were considered, \$102.8 million came in as charges for services or 35%, and 26% came from property taxes. He stated that the balance between charges for services and property taxes ranged in the same proportions as in previous years.

At 2:18 P.M., Commissioner Moore left the meeting. He returned at 2:19 P.M.

The City Manager did not think it was any surprise that emergency services involved the expenditure of 37% of all General Fund dollars, and he believed this distribution reflected the priorities of the City Commission in terms of public safety. He recalled the beginning of the year when he had spoken with each of the Commissioners about various policy matters. At that time, he had talked about the fact that several major policy decisions would be presented, and policy decisions offered involved the allocation of dollars and some long-term commitments.

The City Manager noted that there had been discussions about long-term master plans for the City and for the water and sewer system. There had also been discussions about the Community Area Planning (CAP) Program and other initiatives related to the Community Redevelopment Agency (CRA) Programs, as well as the need to recapitalize many of the City's buildings and assets. He advised that the City's infrastructure was in need of repair, and there was a need for adequate space planning, and results in that respect would be presented in August. The City Manager felt a vision for 2011 was necessary, and he hoped to have the various initiatives completed when Fort Lauderdale turned 100 years old on March 27, 2011.

The City Manager said he had tried to keep this Commission's priorities in mind during the course of the year. However, he did not think this budget would fund everyone's priorities this fiscal year, and he also did not think the various City departments could get everything they had asked for, but in the context of long-range plans and the need to reserve more monies, he believed his recommended budget accomplished the goals.

The City Manager stated that there were some specific items that had been discussed and included in this budget. Those items included support for and completion of capital projects, necessary resources to take advantage of expanding technology, funding for beach restrooms, upgrading the Marine Patrol, meeting increased demands for construction services, and increasing the working capital reserves. He stated that the City had been fortunate in recent years in this respect, but he felt these reserves should be increased.

The City Manager said that permits and construction services had improved a great deal since he had come to Fort Lauderdale. Although there was still a way to go, he believed those improvements were quantifiable, demonstrable, and verifiable. He wanted to continue to provide necessary resources so there would be continued progress in these areas. The City Manager pointed out that as more progress was made in construction services, the greater growth in the tax roll due to new construction.

The City Manager stated that the impact on the average homeowner in Fort Lauderdale, who owned a home assessed at \$150,000, would be \$58.49 more than last year, including water and sewer increases and a \$2 increase in the fire assessment fee.

The City Manager said that the recommended budget would go to the Budget Advisory Board on Thursday, and then the documents would be presented to the Northeast Alliance and several other homeowners groups before the public hearings on the budget in September. He noted that the first was scheduled for September 12, 2001, and the second was planned for September 20, 2001, at which time the budget would be considered for formal adoption.

The City Manager believed his proposed budget balanced a number of interests and concerns and set the course to accomplish the visions desired by the Commission, while providing the same level of quality service Fort Lauderdale's citizens rightfully deserved. Mayor Naugle understood a resolution adopting the millage rate for purposes of advertising would be presented at the Regular Meeting this evening.

Commissioner Smith requested clarification about mass transportation efforts in the current year. The budget message discussed the gas tax as the funding source. He asked what that money was being used for now and what the additional monies would be used for in the future. The City Manager stated that some of the monies were used to fund the community bus pilot projects in the Galt Ocean Mile and Lauderdale Manors areas, and the Commission had encouraged him to work with other governmental entities to encourage a pedestrian-friendly City and non-traditional methods of mass transit. Those included the beach trolley system and the County's vision of some day having a light rail system, but the gas tax would not be enough to fund all these different activities. However, the City Commission had wanted him to explore improvements, particularly to the parking situation and intensity in the downtown area. At this time, the City Manager did not have any specifics to recommend to the City Commission, but these were the areas he intended to study.

Commissioner Smith hoped the City could be bold and put some new funding into at least some studies about moving ahead in terms of mass transit in the coming years. He was also interested in the new fire positions for the beach. He had heard there was an entity that would be applying to open a facility on the beach, and if it came to fruition, those fire positions might not be necessary. The City Manager felt there were too many suppositions involved in that lengthy process, and he believed those positions would be needed in the work force at any rate by the time that idea might come to fruition. He did not expect anything to happen in time to affect this budget, and this service was necessary now.

Commissioner Hutchinson asked Commissioner Smith how much money he was talking about. Commissioner Smith was not sure, but he felt a plan was needed to get started on the beach and downtown at least. His preference was to bring the community into the process through town hall meetings, and he believed just doing that would take some funding. The City Manager noted that there were a number of plans and studies coming up in the next couple of fiscal years. He believed that as working capital reserves were firmed up, the City would have the resources to proceed.

Mayor Naugle inquired about the dollar amount for the firefighter/paramedic positions for the beach area. The City Manager stated that there would be 9 new positions. The Fire Chief advised that the cost was \$612,000. Mayor Naugle recalled Jack Seiler discussing a bill being proposed in which the different agencies would have to notify local governments on hospital bed decisions. In this case, it was costing the local taxpayers \$612,000 per year to address this need. He noted that some equipment had been donated as well, but this bill would allow governments to take these things into consideration during planning.

Mayor Naugle inquired about the ad valorem dollar amount using the operating millage from last year. Mr. Terry Sharp, Assistant Director of Finance, replied that approximately \$400,000 less would be generated. Mayor Naugle inquired about the tax increase that would be advertised on the TRIM notice. Mr. Sharp replied that the gross amount was 11% or 9.95% over the rolled back rate. Mayor Naugle understood there would be a 10% increase, and he thought that was a pretty incredible tax increase. He asked how many residents had homesteaded properties, and Mr. Sharp replied that about half of the residential parcels had homestead exemptions.

Mayor Naugle asked about the growth in the tax base due to reassessments. Mr. Sharp replied the appreciation rate was 9.3%, and \$291 million worth of new construction had been done. He stated that \$1.2 million had been generated by increased assessments. Mayor Naugle understood that half the City's taxpayers would be getting a full 10% tax increase. Commissioner Smith noted that the homesteaded properties would see a 3% tax increase.

Mayor Naugle felt ad valorem taxes were unfair because there was great disparity and no relation to income. As a result, people who had bought homes in good neighborhoods 20 or 30 years ago and lived on fixed incomes could no longer afford to pay their taxes. He hoped the Commission would decide to advertise last year's millage rate of 5.05 tonight.

Commissioner Smith asked Mayor Naugle if he had any specific suggestions as to where that money could be eliminated from the budget. Mayor Naugle thought that some options could be explored over the summer. He wondered, for example, if the take home cars could be reduced by half. That was one possibility that could be combined with others. He thought another possibility was health insurance premiums, as some were not locked in by union contracts. Mayor Naugle felt the City should get a handle on these types of expenses, and the previous administration had been very liberal as to what would be paid for, even funding cosmetic surgery. He believed there were different areas for savings, and he was uncomfortable increasing the millage rate. Commissioner Smith was not comfortable with increasing the millage rate either, and he would be willing to look at Mayor Naugle's list and see if expenses could be reduced.

Commissioner Smith felt this was a very good budget proposal, although he had no objection to considering any possible savings. However, he thought the City Commission should advertise the rate suggested by the City Manager as it could be reduced, but it could not be increased after advertising. Commissioner Moore was very concerned that insurance was costing \$1 million more, although it had made sense to go with a self-funded plan. He felt the operation of that fund should be examined.

Commissioner Moore believed that if the Police Department had not been able to fill open positions, that was a potential area for reducing expenses. He thought that if there had been openings for over a year that had gone unfilled, then those positions were not necessary. Commissioner Moore understood that others did not agree, but if there was a need, he could not understand why 30 positions had been vacant for over a year.

Commissioner Moore said that another of his concerns involved union negotiations. During the closed-door bargaining sessions, he recalled that the Commission had been well informed as to the budget ramifications of the agreed upon concessions. He was also very concerned about his "pet project." He was happy to see there had been some movement in terms of recreation programming in this budget because he felt that reduced the need for police officers in the long term, but he wondered if it was enough. Commissioner Moore said he would be obtaining input from District 3 residents over the summer with respect to the budget because he had heard criticism about the lack of staffing in area parks.

Commissioner Smith had concerns about Warfield Park not having any additional staffing because that was an area that certainly met his criteria, and there was a new building. Mayor Naugle wondered if some of the parks facilities could be handled by non-profit organizations under contract. Commissioner Moore had no problem with that, and he believed that idea had been considered in the past, but for some reason that had not come to pass. He thought the City had greater control if its own staff were used, and he believed users would have to be charged fees in order for non-profit organizations to survive.

The City Manager reported that the new Recreation Director, Mr. Burkeen, was examining the needs for each facility, although a specific schedule had not been established for the new budget year yet. Staff would continue to explore "getting the best bang for the buck" with programming either with City staff or non-profit organizations based on need. He pointed out that the demographics around Warfield Park had changed substantially, and staff would continue to examine those needs.

Commissioner Moore desired some indication of what could be done to contain escalating health insurance costs, which were \$1.5 million. The City Manager advised that details could be provided. Commissioner Smith asked if the City was obligated to spend that money due to union contracts. The City Manager said the City had been obligated to provide at least 10% in terms of an increase for general employees, and each of the health plans for the different bargaining units had been negotiated separately. Commissioner Smith asked how much of the \$1.5 million the City was obligated to spend and how much could be used to try some creative methods.

The City Manager did not think he could provide a clear answer to Commissioner Smith's question right now without violating things that had been negotiated. Further, the reason he was reticent in this regard was that staff had received inaccurate information from the previous carriers in terms of history. That, coupled with the fact that there had been considerably more activity once the City had become self-insured because employees had been able to avail themselves of more diverse benefits, had resulted in an unanticipated spike as previously reported to the City Commission.

Mr. Scott Denham, Risk Manager, advised that a lot of steps were being explored to ensure greater accuracy, and the previous data supplied had only involved paid claims. What staff had since learned was that the major carriers did not always pay their claims in a timely fashion and, therefore, had not been reported. As a result, the actuaries could not make accurate projections. Mr. Denham said that actuarial back-up was being used, and the numbers were "tighter" now than the City had ever been in the past.

Mayor Naugle asked if the actuaries who had made all the mistakes had been fired. Mr. Denham stated that no mistakes had been made. The actuaries had provided projections based on the information they had been provided. Unfortunately, that information had been incomplete. Mayor Naugle thought staff might have asked the wrong questions. Mr. Denham agreed that was one possibility, but the market was a factor, too. Mayor Naugle thought someone should have anticipated these issues.

Mr. Denham advised that an item was going to be presented to the Commission this evening, which would assist staff in developing a working relationship with the North Broward Hospital District (NBHD). That would enable the City to be a good business partner with the NBHD in order to provide quality health care to its employees at a better price than could currently be achieved. Commissioner Smith asked if there were possible savings this year. Mr. Denham believed so, although he preferred to discuss that possibility with the Commissioners individually with NBHD representatives.

Commissioner Moore was happy to hear the City would be working with NBHD. He thought it made practical sense to set up some type of network with deeper discounts. He also suggested the plan design be examined because it might be too lavish in the marketplace. Commissioner Moore thought co-payments could be considered, for example, to bring this plan into accord with other plans in the market. Mayor Naugle understood the dollar amount for a management employee on a family plan was over \$7,000, which was a high figure. Commissioner Moore thought it was easy to criticize the plan now, but the costs and rationale had been discussed.

Commissioner Moore was concerned about the idea of not having received accurate information from the previous insurance carriers. He believed it was a norm in the industry for someone leaving an insured plan for a self-funded plan to not get adequate information. He advised it was called "a tail." Commissioner Moore thought the actuaries should have been a closer in recognizing that claims were often paid months after service was rendered in the normal payment stream. Therefore, this should not have come as a surprise to some degree.

Commissioner Moore recalled discussion about "stop loss," and there was a stop loss under the present design of the self-funded plan. However, an aggregate stop loss had not been used, and he wondered if it had been given any consideration. Mr. Denham explained that when one projected that a plan would cost \$5 million per year, there were 2 types of insurance that could be purchased if someone would sell it. One was called specific stop loss, and the other was called aggregate stop loss. He stated that specific stop loss involved the cost of the individual's specific claims going through a certain threshold per year, and that was currently set at \$150,000 with an aggregate surety level at \$50,000 above that per claim. Mr. Denham said that 20% of members in a health plan generated 80% of the claims. Therefore, the product was targeted. He stated that an aggregate stop loss was much riskier for the carrier, so the premiums were much higher. Therefore, a decision had been made against "trading dollars," but staff was continuing to explore the options.

Commissioner Moore believed in a self-funded plan because it had so many possibilities, but it did involve a greater risk. He felt this concept was a good one that had to be given some time, and he agreed there should be negotiations with NBHD with penalties when individuals chose to go outside the network. The City Manager advised that there had been due diligence, and every effort had been made to project as accurately as possible. He noted that there had even been some claims involving the previous carrier in which some employees had even been taken to court, so affirmative efforts had to be made to deal with those issues. The City Manager stated that there had been no lack of effort, however. Commissioner Moore understood the industry could be quite controlling, and he was sure that had taken place in this situation and had not meant to suggest otherwise. Commissioner Smith agreed it was a good idea to negotiate a network with NBHD, and he hoped staff would give Commissioner Moore's suggestions consideration.

Commissioner Smith noted there was a need for a medical facility on the beach, and the City needed a provider for the City's 2,600 employees. Since those employees would be using NBHD as a preferred provider, perhaps they could be served by a beach area facility. Commissioner Moore pointed out that most of the City's employees did not live in the beach area.

At 2:59 P.M., Commissioner Moore left the meeting.

Commissioner Katz thought perhaps a clinic could be placed in the beach area without emergency room facilities. Commissioner Smith thought the employees might provide a sufficient subsidy for an emergency room. Commissioner Katz believed it would cost millions. She also felt the millage rate should be advertised as recommended by the City Manager because it could always be reduced later, but it could not be increased. Commissioner Katz thought the major issue would involve County taxes rather than City taxes.

At 3:00 P.M., Commissioner Moore returned to the meeting.

Commissioner Katz did not expect the millage rate on properties to be a major problem. She pointed out that everyone wanted good services in Fort Lauderdale, and she felt this City fell within a reasonable range of other cities and saw no reason for change just to save a few hundred thousand dollars with all the initiatives that were underway. Commissioner Katz was hopeful that some cost savings could be identified over the next month or so, but she would not want to reduce it at this point in time. Insofar as take home vehicles were concerned, she believed a commitment had been made. Mayor Naugle recalled that commitment had been made with the provision that it would be done if funds were available. Commissioner Katz did not think this would be a good place to realize savings. Mayor Naugle agreed the only real savings would come from reducing positions, but it appeared there was consensus to advertise a rate as recommended by the City Manager.

Action: Approved as recommended.

I-B – Board of Adjustment Interviews

The City Commission was scheduled to interview *Ms. Robin Bodiford* and *Ms. Christine Teel* for an alternate vacancy on the Board of Adjustment with a term expiring on May 20, 2003. Ms. Bodiford said she was an Attorney who had grown up in South Florida, and she had served on the Parks, Recreation & Beaches Advisory Board for several years. She said she was interested and concerned about maintaining that special something that made Fort Lauderdale a place people wanted to visit and live. Ms. Bodiford believed she was qualified and was eager to serve on this Board.

Commissioner Smith said that one issue of discussion in the past had been how literally the laws should be taken and how much Board members should apply their own common sense in terms of hardship. He pointed out that it was difficult sometimes to distinguish between the technical duty of the Board and what members felt was a matter of common sense in terms of hardship, such as a porch built 1" beyond the required setback after a \$20,000 investment. Ms. Bodiford thought these things had to be considered on a case-by-case basis, and similar past actions should probably be considered. The problem that came to mind now was if a 1" encroachment were acceptable, why wouldn't a 4" encroachment also be acceptable. Ms. Bodiford noted that this vacancy was for an alternate member, so perhaps she would have some time to consider that sort of question.

Commissioner Hutchinson asked Ms. Bodiford how she felt about Board members representing themselves before the Board. Ms. Bodiford thought that would be a conflict of interest.

Ms. Teel said she had moved to Fort Lauderdale in 1972. She advised that she had served the community in various capacities since that time, and she had become very interested in government and neighborhoods after she had retired. Ms. Teel described her background and said she was currently the President of the Sunrise Intracoastal Homeowners' Association, and she had served the community in various ways. She advised that she had been involved in the rewrite of the ULDR with respect to various zoning issues, and she had learned a lot by watching Planning & Zoning Board and Board of Adjustment meetings. Ms. Teel said she had served on the Marine Advisory Board for 4 years and was currently the Chair of the County's Marine Advisory Committee. In addition, she had served on the Homeless Initiative Partnership Board and was a member of the Alliance of Homeowners' Association.

Ms. Teel believed she was well qualified to serve as an alternate on the Board of Adjustment and always took these types of appointments very seriously and gave them her full attention. Commissioner Smith asked Ms. Teel how she felt about a 1" encroachment as he had mentioned earlier. Ms. Teel agreed with Ms. Bodiford because a line had to be drawn somewhere, but she felt the public that would be served also had to be considered. Further, she felt some degree of flexibility was necessary at times.

Commissioner Hutchinson agreed it was a conflict of interest for a Board member to represent himself when seeking an interpretation, special exception, or variance. Ms. Teel thought it was a difficult situation because a Board member might own property that needed adjustment. It seemed to be a conflict, but she hoped the Board members could stay neutral and render a fair judgment. She said she felt strongly about conflicts of interest or even the appearance of a conflict.

Action: Further action to be considered under Item III-B – Advisory Board Vacancies

I-C – East Las Olas Boulevard Special Event Road Closings

A discussion was scheduled on the Las Olas special event road closing issues and proposed solutions. Commissioner Hutchinson said there had been a long, tedious process, but there had been good participation. She wished to commend *Mr. Michael Kasten*, President of the Council of Fort Lauderdale Civic Associations, for his efforts and publicly thank everyone for coming together to resolve this problem.

Mr. Kasten thanked Commissioner Hutchinson and Mr. Kisela for putting this together so a mechanism could be put in place to work together to accommodate special events. He stated that 7 problems had been identified due to the closures on Las Olas Boulevard – traffic, parking, lack of police presence, lack of trash collection, emergency access, and mass transit. Mr. Kasten also felt most road closures were not adequately advertised with signage for directional purposes to encourage people to enter the parking garages and stay out of the neighborhood, and to let people know about such closures in advance.

Mr. Kasten displayed renderings of the proposed directional signs, measuring 2' x 2' as per Code, and advised they would be posted the day before an event and removed at the end of the closure. He also detailed the locations proposed for these signs. He added that the event promoters would pay for the signage. Mr. Kasten displayed the variable message signs that were proposed, and the City had agreed to provide 4 signs whenever possible, although only 2 could be guaranteed. He stated that these educational signs would provide information so area residents could plan around events.

Mr. Kasten stated that the promoter had agreed to provide lots of pre-event advertising in newspapers and magazines, and to make public service announcements on radio and television. An information "hot line" would also be provided, along with a web site, and a third of the advertising would be devoted to parking education related to the events.

Mr. Kasten said that police presence was important, and Police Explorers would be used by the promoter to deter cruising in neighborhoods while allowing access for residents. They would have radio communications and direct people to the parking areas, and the promoter would pay all the costs. Mr. Kasten pointed out where A-frame barricades would be placed and manned by the Explorers. He stated that 2 police officers and 4 public safety aides would also be utilized.

Mr. Kasten reported that garbage collection had been a problem in the past because trucks did not go through the barricades to collect the garbage during road closures. He advised that Mr. Kisela had assured him that he had spoken to staff in this regard, and they would collect in these areas on a "first call" basis at 7:00 a.m. on Saturdays. The promoter had also agreed to perform spot cleaning activities throughout the event and afterwards. Mr. Kasten said that emergency access was no longer a concern because all of the closures would be manned in the future so they could be moved as necessary.

Mr. Kasten stated that off-street parking was a wonderful idea, but it would not work unless there were methods of moving people from those areas to the event site. He advised that the promoter had agreed to hire T-Max to shuttle people from various parking lots to the event site, and the stops would be monitored as to the volume of passengers and the amount of time spent waiting. He said that parking had been a problem in the past, and the Las Olas Company had agreed to provide an additional lot for oversized vehicles.

Mr. Kasten advised that the committee had put together a survey, and a task force would evaluate the events as they occurred in order to get a good understanding of the issues involved to ensure success. After events, there would be meetings to evaluate the data and considered successes and problem areas for future recommendations. Mr. Kasten thanked those who had participated in the process, including City staff, the Las Olas Company, the Las Olas Association, and civic activists.

Commissioner Hutchinson understood the Council of Civic Associations had provided a recommendation. *Mr. Ted Fling* read aloud the motion adopted unanimously by the Council on June 20, 2001:

The Traffic and Public Safety Committee recommends that the Council of Fort Lauderdale Civic Organizations support these number of event closures for Las Olas Boulevard – 8 days and 4 nights of events, conditionally so long as every promoter or group that applied for the closures worked as a committee to plan the closure prior to the event. Furthermore, to urge the City Commission to adopt a policy with the committee's help by which all street event closures in the City are governed by a set of rules and regulations that protect the integrity of the neighborhoods and the City as a whole. We agree to not allow an additional street closure anywhere in the City until such policy takes effect and was voted on.

Mayor Naugle believed the Parks & Recreation Department conducted surveys of the special events that were held around the City.

Mr. Howard Allen, of the Las Olas Association, felt it was important for the neighborhood and the event organizers to work together, and he noted that there had been events on Las Olas Boulevard for the last 40 years. However, the groups had not communicated well in the past, and he thanked *Mr. Buddy Lochrie* for bringing these issues to everyone's attention. Mr. Allen expected it would take a little time to educate the public, but he believed this plan would be very effective.

Mayor Naugle pointed out that this issue had become particularly critical with all the other road closures associated with construction activities around the City. Mr. Lochrie stated that the Colee Hammock Association wished to thank everyone who had worked together on this. He believed consensus had been reached, although this was just a first step because there were a lot of other events that were handled by promoters who did not necessarily have the same resources as the Las Olas Association. He noted that a two-hour parade would not necessitate all of the same measures, but some of the components would be the same. Therefore, the neighborhood would have to rely on the City Commission to provide assistance with those events in the future.

Mayor Naugle noted that staff had been working with different groups to encourage events in other locations around the City so the same streets were not always being tied up. For example, this year's Corporate Run had been held on the south side of the River.

Commissioner Hutchinson suggested that the Commission consider rules and regulations in September after the Labor Day post-event meeting. Mayor Naugle preferred to discuss it in October. It was agreed.

Action: Approved as discussed.

At 3:35 P.M., Commissioner Smith left the meeting. He returned at 3:36 P.M.

I-G – Golf Facility at Wingate Superfund Site

A presentation was scheduled on the Community Advisory Council's (CAC) recommendation for a golf facility as an end-use for the Wingate Superfund site. (Also see Item R-4 on the Regular Agenda, this date). Commissioner Moore introduced *Ms. Kassandra Barnes* and *Mr. Smith*, of the Community Advisory Council. He stated that this Council had been the voice of the community with respect to the Wingate site.

Ms. Barnes stated that the CAC had worked with City staff and other parties, and the neighborhood was very excited about the idea of developing this site as a golf course. She was not sure a full size golf course was feasible, but perhaps a driving range and some type of educational facility was possible along with a clubhouse to encourage young people in the community to learn about the hospitality field. Ms. Barnes was hopeful the City would take a leadership role, and she hoped the Request for Proposal (RFP) process would be abandoned in favor of a commitment for a preliminary study leading to a design concept for a golf course in accordance with the community's desires. She encouraged a public/private sector relationship to make this happen. Ms. Barnes noted that various other uses had been considered, but there was a high level of interest in making this property an asset for the entire community in accordance with its wishes.

Mr. Smith was honored that this City Commission had charged the community with this task several years ago, and the community had been surveyed and organized. This idea was considered the top priority, but he had a personal feeling that the community had additional ideas as well. Nevertheless, he did not want to see this open area covered with warehouses and parking lots. Mr. Smith stated that this community wanted to enjoy the fresh air and sunshine of the South Florida area, and there were a lot of youths in the community who were interested in golf. He thanked the Commission for organizing this effort.

Mayor Naugle understood it was Commissioner Moore's recommendation that a study be performed as to how a golf facility could be placed on the property. Commissioner Moore agreed that was the intent. He advised that this item had been discussed last night, and there had been a unanimous vote in this regard, which was unusual with respect to this particular site. Commissioner Moore wanted to know if it would be feasible to create an open green space on this property, and he pointed out that a golf course would allow the property to be studied over the next 30 years as required.

Commissioner Moore pointed out that this facility could provide various educational opportunities in such areas as grounds keeping, hospitality and culinary arts, etc. In addition, the landfill had caused surrounding property values to depreciate, while a golf course would allow an increase in property values in surrounding areas. Further, this site was located next to the second most popular tourist attraction in the State – the Swap Shop. Commissioner Moore said that the community felt this would be the best reuse of this site and would add to the City's tax base.

Commissioner Moore pointed out that Broward County had \$400 million. Commissioner Smith wondered if an additional 40 acres could be added to that site with some of the County Parks Bond money. Commissioner Moore stated that 3 of the County Commissioners had been lobbied about acquiring adjoining property.

Mr. Greg Kisela, Assistant City Manager, stated that staff had been in contact with the National Golf Association about a feasibility study, and he expected a drafted report within the next 4 to 8 weeks, with a final report in September. He stated that this information would help evaluate marketing, technical and financial feasibility of a golf facility of some type. Mr. Kisela stated that the National Golf Association had done similar studies in other areas of South Florida, and the results would be presented to the City Commission.

Commissioner Moore noted that the signatures on the petition of support for this concept were those of people who lived within a mile of this property. He also wished to make it clear that the community was not talking only about a driving range. He noted that an executive golf course could be accommodated on 60 to 100 acres. Mayor Naugle thought some type of community facility or country club would be good. Commissioner Moore agreed and pointed out that this effort had been underway for about 2 years. Mayor Naugle understood there were funds available for this study in the Wingate Fund.

Action: Approved as discussed.

I-D – Renewal of Cable Television Franchise with Direct Cablevision Limited Partnership d/b/a AT&T Broadband

A discussion was scheduled on the renewal of the cable television franchise with Direct Cablevision Limited Partnership doing business as AT&T Broadband, and other matters pertaining for cable services. Notice of the public discussion was published on July 7, 2001. Mr. Lee Holroyd, Communications & Technology Director, provided an update on progress made in terms of customer service. He advised that calls into the Radio Shop had dropped from 75 per day to 25 per day. Mr. Holroyd stated that AT&T Broadband had provided a response to the City's letter of notice for violation of specific customer service standards, but staff had not felt it was adequate. Therefore, he would be working with the City Attorney's Office on the next step.

Mr. Holroyd stated that proposals would be presented in September to change the master cable ordinance, and one change would involve escalating fines for any recurring violations. He noted that Fort Lauderdale was not the only municipality having this type of problem. In fact, there had been representatives from 14 municipalities and the County at the July 6, 2001 meeting held in this regard, and customer service standards had been discussed. At that time, 2 distinct letters of interest had been discussed – one for an over builder for Broward County and one for a DBS provider. He advised that a resolution would be presented this evening for the Commission's approval to proceed in this direction.

At 3:50 P.M., Commissioner Moore left the meeting. He returned at 3:52 P.M.

Mayor Naugle understood staff's recommendation was to renew month-to-month in the meantime. Mr. Holroyd agreed that was correct. He introduced *Mr. Adrian Herbst*, the City's telecommunications consultant to provide an update about issues involving the FCC. Mr. Herbst stated that the focus of the last meeting had been customer service issues, and the Commission had desired greater control over the franchise extensions to allow for constant review and updates. He advised that the recommendation was to allow the City Manager to authorize month-to-month extensions through January 25, 2002.

Mr. Herbst stated that there were several approaches that could be taken. One was a negotiated process and one was a formal process. The City had initially selected a negotiated process in order to have greater flexibility and better control over outcomes, and Mr. Herbst felt there had been significant accomplishments in the renewal process itself. He stated that a solid commitment had been made to upgrade and rebuild the cable system within an 18 to 24-month time period. Mr. Herbst advised that commitment had been preserved by the extension, and if the City continued to extend, it would be preserved as a commitment and obligation.

Mr. Herbst believed the primary issue involved high-speed Internet service. The cable operator did not believe the City had the authority to require implementation of that service as part of the cable system and felt it should be permitted, in its sole discretion, to decide when the market dictated that need. He stated that this issue had been wrapped up in some significant controversy involving the FCC on a national level, and the courts were trying to decide whether Internet service was a cable, telecommunication, or some other type of service and who had the right to regulate it. Therefore, part of the recommendation to extend the agreement rather than going through a formal process was due to the fact that this was wrapped up in a lot of controversy and court cases. Mr. Herbst noted that one Florida case was going to be heard by the Supreme Court in September, and that would provide clarification.

Commissioner Moore referred to the July 6th meeting. He thought it had been a good idea to “get everyone to the table.” He wondered, however, if everyone was serious about pushing this issue. Mr. Holroyd believed so. In fact, 3 people had volunteered to serve on the evaluation committee, and the drafted Request for Letters of Interest would be ready for comment in August. Commissioner Moore believed this would help every citizen. He noted that high speed Internet access was not the only issue as customer service was a very important issue. Mr. Herbst advised that federal law allowed municipalities to adopt customer service standards beyond those imposed by the FCC.

Mayor Naugle inquired about the standards for the call center insofar as how long someone could be kept on hold. Mr. Herbst replied that the FCC standard was that someone could not be put on hold for more than 30 seconds with a proof of performance of 90% of compliance on a quarterly basis.

Commissioner Moore asked what AT&T had done to correct the problems with customer service discussed previously. *Ms. Susan Bisno*, Vice-President of Local Affairs for AT&T, stated that AT&T had been staffing and training at a very high level as had always been intended knowing that the conversion would be difficult. She advised that there were now more than 280 people on the floor in the call center, and 115 more people were currently in training. *Ms. Bisno* stated that in the end, there would be more than 1,000 customer service representatives to provide services to Florida customers.

Ms. Bisno recalled that the Commission had been disappointed with the amount of City staff that had been involved in taking complaints, and she was willing to send a customer service representative to City Hall so City staff would not have to invest time handling these calls. Commissioner Smith said that he had asked how many complaint calls there were, but *Ms. Bisno* had been unable to answer at the last meeting. He wondered if she had that information now. *Ms. Bisno* advised that there had been 122 complaints received by the “escalated services department.” She explained that those included complaints referred by the City and individual complaints that were escalated.

Commissioner Moore requested a definition of escalated complaints. *Ms. Bisno* explained that those involved complaints that were not resolved during the initial phone call. *Ms. Kim Ellinger*, Vice-President of Customer Care, provided further details about how complaints were handled. Commissioner Moore preferred that AT&T fund a position for the City to hire rather than providing one of its personnel. *Ms. Bisno* thought that was something that could be considered.

Mayor Naugle inquired about the period of time in which 122 complaints had been received. *Ms. Ellinger* stated that those complaints had been received in May and June. Mayor Naugle thought that must have been the number of people who had gotten through to lodge a complaint because there had been many more. *Ms. Ellinger* noted that these were escalated calls that had not been resolved during the initial phone call.

Commissioner Smith wondered if the City could dictate the definition of “complaint.” Mr. Herbst believed that was a possibility. Mr. Kasten understood it was well within the scope of the Commission to levy fines, and the matter had been discussed at the last meeting. Mr. Holroyd agreed staff would be working with the City Attorney’s Office toward the next step. Mr. Kasten believed other cities had already begun the process of levying fines. Mayor Naugle felt the amount of fines should be meaningful such as \$5,000 per day. He pointed out that a fine that was too low would just be considered a cost of doing business.

The City Manager advised that staff had been pursuing a scenario involving the highest possible fines for violations. Mayor Naugle asked how many complaints the City had received. Mr. Holroyd replied that the average had been 75 per day, but it was about 25 per day now. Mr. Mark Pallans, Telecommunications Manager, stated that 20 to 30 per day was typical, but it varied. For example, between 5:00 p.m. yesterday and 7:30 a.m. today, there had been 55 complaints on voice mail. He thought there had probably been a service interruption so people had called the City when they could not get through to AT&T.

Commissioner Smith understood the City had received 55 complaints just last night and wondered how many AT&T had received. Ms. Ellinger explained it would depend upon the definition of a complaint. She understood the City would consider a call indicating service was out to be a complaint, but AT&T did not necessarily consider that an escalated complaint because that was why there were customer service representatives.

Commissioner Katz said it had been reported in the newspaper that other cities, such as Plantation, had started looking into fining AT&T. She asked why Fort Lauderdale could not just move right into fines. The City Manager said that was being done. He explained that there were various levels of fines, and the amounts the City could assess at this point were so low as to be ineffective. However, by following the federal guidelines for amassing complaints, greater fines could be imposed, and he had understood that was the Commission's preferred route. Mayor Naugle requested a report as to how much in fines the City of Plantation had been able to assess. Commissioner Smith believed AT&T had a contractual obligation with Plantation in terms of high speed Internet service.

Mr. Herbst noted that staff would provide recommendations to the Commission in September for modifications to the existing ordinance. Mayor Naugle desired a report about Plantation's efforts, as compared to Fort Lauderdale, at that time as well. Commissioner Moore wanted to make sure that when fines were levied, they were meaningful, as discussed at the last meeting. Mr. Holroyd understood the Commission was not satisfied with the current fine structure.

Mayor Naugle inquired about the existing fine structure. Mr. Pallans stated that most of the fines were based upon quarterly failures. Those fines ranged from \$100 to \$5,000, and the worst case might involve a \$10,000 if the company failed to do everything. Mayor Naugle believed it would cost much more to do everything right than \$10,000. Mr. Pallans said he collected fee schedules from all over the country, and he was aware of one Oregon case in which a fine of \$180,000. Mr. Holroyd agreed data was being gathered to formulate recommendations for presentation in September.

Commissioner Smith said that he had been informed that AT&T was no longer interested in helping with Winterfest and planned to charge for taping and broadcasting the event. Ms. Bisno stated that she would look into it. Mayor Naugle noted there had been many requests for Fox news, and he wondered if there had been any movement in that direction. Ms. Bisno expected it to be added the next time channels were added to the line up. She advised that she had shared all the letters she had received from the City with the marketing department of AT&T.

Commissioner Hutchinson stated that many of her constituents were opting for "rabbit ears" instead of cable, but they were concerned about losing the government channel. She wondered if there were other opportunities to contract with some other party in this respect. Mr. Herbst stated that an RFP for over builders and direct broadcast satellite providers were in the works, and many of those contracts carried provisions for government channel access. Commissioner Smith asked if the signal could be made stronger so the meetings could simply be broadcast.

Mr. Pallans said there were some communities had contracts with the local public broadcasting station to handle these types of channels. However, Channel 2 was the only public broadcast station in South Florida, and it was fully programmed. He advised that another option involving having a television station. Mr. Pallans stated that Dade County had its own television station, and the FCC made low-power channels available. Unfortunately, it was very expensive.

Mayor Naugle noted that video was available on the Internet now. Commissioner Moore pointed out that there was also educational television provided by the Broward County School System. He believed election returns, for example, were broadcast on the educational channel, so perhaps there were opportunities of that nature. Mr. Pallans noted that the educational channel was designed to be picked up by the cable companies primarily. Ms. Holroyd thought some alternatives would be available for consideration when Letters of Interest were received.

Action: Approved as discussed.

At 4:20 P.M., the meeting was recessed. It was reconvened at 4:30 P.M.

I-E – Transit Greenways

A presentation was scheduled by *Mr. Rick Chesser*, District IV Secretary for the Florida Department of Transportation (FDOT), and *Mr. Tom Gustafson* regarding the concept of transit greenways, as requested by Commissioner Hutchinson. Mr. Pete Witschen, Assistant City Manager, said this was a concept from the Downtown Development Authority (DDA), and the DDA had asked that it be integrated into the design for 6th Street and 2nd Street. He stated that Mr. Chesser was in Tallahassee, so *Mr. Jerry O'Reilly* was present on his behalf.

At 4:30 P.M., Commissioner Moore left the meeting.

Mr. Tom Gustafson stated that Transit Greenways had been born of a difficult process several years ago to find a way to merge pedestrian, parking and small transit facilities. He noted that vehicular ways could be landscaped to be attractive, but other things were necessary for pedestrians, such as wider sidewalks, elevated parking, and closely planted vegetation. Mr. Gustafson advised that FDOT funding was possible because this would reduce congestion and improve air quality.

Mr. Gustafson noted that EDSA had prepared designs for 6th Street, 2nd Street, and a small area on 3rd Street. The DDA was interested in improving upon that design and get the FDOT more involved in the funding aspects of the project and set up a partnership for a \$30 million to \$50 million capital program as part of the TEA-21 reauthorization in 2003/04. He noted that there were no guarantees, but he felt there was a good chance of funding if a good proposal was presented. Mr. Gustafson stated that even though this would look like community redevelopment, it would function as transportation. He was hopeful the proposal could be presented in the next few months.

Mr. Gustafson listed the subarea mobility study components, which basically examined relief of traffic congestion by minimizing the short automotive trips in the downtown area and expanding foot and small transit transportation opportunities. He advised that facilities that reduced traffic congestion, air pollution and fuel consumption could be funded, including pedestrian corridors with linear park components, parking structures linked by a local circulation system, small transit vehicles, and intermodal and freight delivery facilities and related public square to accumulate pedestrian traffic and transit customers.

At 4:35 P.M., Commissioner Moore returned to the meeting.

Mr. Gustafson presented photographs of some other pedestrian areas, including the covered walkways at Mizner Park in Boca Raton, CocoWalk in Coconut Grove, and a tree canopy above a street crossing at International Drive in Orange County, and a mid-block crossing on Park Avenue in Lake Park. He also provided a photograph of a transit system in a pedestrian street in Strasbourg, France.

Commissioner Moore thought this concept made a lot of sense, and he wanted to proceed with a study area. Commissioner Smith agreed and understood Mr. Gustafson had consented to serve on a citizens committee along with the head of the MPO to brainstorm and fast-track this concept. Mayor Naugle asked how much the DDA was paying EDSA for this contract and how the streets had been selected. Mr. Gustafson advised the contract amount was \$20,000, and the DDA had selected the streets.

Commissioner Katz wondered what the City would have to do to get money from the FDOT; when it had to be done; and, if money was forthcoming, she wondered when that might occur. Mr. O'Reilly stated that the DDA would put together a proposal through EDSA and Mr. Gustafson. At that time, the FDOT would be approached to see if it would participate in a funding study. He expected that the study would be trimmed to \$400,000. If the FDOT felt the proposal was feasible, he was hoping for a 50/50 match.

Mayor Naugle thought one problem was the Purchasing Code relating to consultant selection so the City could not enter into any contract today over a certain amount. Mr. O'Reilly stated that once a feasible proposal was prepared, the City would "stand in line" with the MPO or go to Congress for funding. Commissioner Hutchinson noted that Fort Lauderdale had some Congressmen, and if a good proposal were devised, that would be "half the battle." However, there would be no funding forthcoming if the City did not have some kind of plan. Commissioner Smith agreed. Commissioner Hutchinson commended the DDA for starting this process.

Mayor Naugle suggested that the Commission direct the City Manager to prepare a strategy for consideration in September for a meaningful mass transit plan along with Commissioner Katz's urban design proposal. The City Manager said that he could do that, and there were 2 potential approaches. He explained that if the Commission wished to take advantage of what the DDA had started with this particular element, it might be a matter of coming up with the requisite match. He saw a connection between that and the urban design proposal.

Mayor Naugle pointed out that this could not be done in a vacuum. He explained that it would be necessary to consider what the County would be doing in terms of the Airport and Seaport. Commissioner Smith agreed and felt a citizens committee would also be necessary. Mayor Naugle suggested a citizen's steering committee to oversee the consultant. Commissioner Smith suggested that the community partners be identified as soon as possible.

Mayor Naugle suggested that each Commissioner submit the names of 2 City residents who would be interested by the end of the week for consideration in September. Commissioner Smith thought a meeting of that group in August would be a good idea. The City Manager stated that the ad hoc committee could have an initial meeting in August, and it could be formalized in September.

Action: Approved as discussed.

I-F – Urban Design Initiative

This item had been deleted from the agenda. Mayor Naugle asked that the Commission be informed sooner if items were to be deleted from the agenda.

I-H – Water Skiing Safety Study and Evaluation Report

A discussion was scheduled on the Water Skiing Safety Study and Evaluation Report. The City Manager introduced Mr. Jamie Hart, Supervisor of Marine Facilities, noted that the consultant, *Mr. Leon Larson*, was present to answer any questions about the Study, which had previously been distributed to the Commission. Mr. Hart also advised that that Commission direction was requested, as some changes would require ordinance amendments and installation of signs.

Commissioner Hutchinson had some concerns about Lake Mayan. She was concerned about signage indicating only one boat could tow skiers on the Lake at one time. Commissioner Hutchinson did not think this area was necessary for water skiing, and she had received numerous communications in this regard from various agencies and individuals. She noted that Lake Mayan had been closed to skiing for over 20 years.

Commissioner Moore felt Lake Mayan should be opened and that the Commission should follow the consultant's recommendation. Mayor Naugle pointed out that the consultant had not recommended this area for skiing, along with a cautious recommendation to allow skiing by one vessel at a time. Commissioner Moore thought that was the appropriate action. Commissioner Hutchinson did not know how that could be done.

Commissioner Hutchinson referred to the signage issue with respect to Lake Sylvan and Sunrise Bay. She could not get people to follow traffic signs, and now there would be children in boats who would be expected to follow certain patterns, and she did not think a sign would do it. Without adding additional Marine Patrols, Commissioner Hutchinson did not know how it could be enforced. It was her recommendation that Lake Mayan, Lake Sylvan, and Sunrise Bay remain closed to water skiing.

Commissioner Moore recalled that the Commissioner had discussed the idea of opening all the areas and then waiting to see what problems developed. He acknowledged that this was a difficult decision, and he thought a trial would be in order like those afforded for street closures. Afterwards, some real data could be gathered and compiled, and the realities addressed.

Commissioner Smith understood the consultant to have indicated that skiing would be safe everywhere except Lake Mayan. He thought it would be prudent to prohibit the activity in that location and allow it everywhere else.

Commissioner Katz said her first thought had mirrored Commissioner Moore's in order to see what would happen if all the areas were opened up to skiing during the season. However, she was willing to consider leaving Lake Mayan closed if no other body of water was touched. Mayor Naugle did not think anyone would want to ski in Lake Mayan, and he saw no reason to incur any expense for signage. Commissioner Smith thought it might enhance opportunities for kayaking and canoeing in Lake Mayan.

Mayor Naugle believed there was consensus to eliminate water skiing in Lake Mayan and leave the other areas open. He asked staff to install the necessary signs and prepare an ordinance to eliminate Mayan Lake from the designated water ski areas. Mayor Naugle also suggested that staff provide a status report in 6 months with any updated recommendations or modifications. Commissioner Moore did not want anyone to think the Commission had been selective in this regard, and he preferred to rely on facts and studies. Commissioner Smith pointed out that Mr. Larson was a nationally renowned water skiing expert, and he had spent a lot of time examining each of these areas. Commissioner Moore thought he had “waffled” a little. Mr. Larson did not agree. He noted that Lake Mayan was small, and he thought water skiing would be safe there if it was limited to only one boat at a time. Commissioner Moore believed that without opening it and then measuring the results, there would be a wave of controversy.

Mayor Naugle could not imagine anyone wanting to ski on Lake Mayan if the other options were available. Commissioner Moore agreed they might not. Mayor Naugle saw no reason to post signs saying that people could ski there.

Mr. Larry Little, President of Seminole Homeowners' Association, referred to Sunrise Bay. He hoped the Commission would consider the fact that the residents felt the City was taking on the responsibility for a safety issue and changing their lifestyles. In addition, the City was also selecting one small group of boaters over a larger group, because area residents were boaters as well. They preferred the enjoyment of no-wake zones, which would be compromised by high-speed boats crossing through the zone. Mr. Little felt strongly that the City was targeting this neighborhood in an activity that involved a lot of children, and accidents would basically be specifically authorized by the City in that area.

Mr. Little agreed with Commissioner Moore that if this experiment were to go forward, it should involve all the areas rather than targeting this area by posting a sign. He thought it would be better to just leave all the areas open and allow water skiers to decide where they wanted to ski.

Mr. Bill Ciani said he lived along the North Middle River and, since closure of the other areas to water skiing, the North Middle River had become unsafe. He felt that every time the City Commission eliminated one area, another became more congested and unsafe. Mr. Ciani advised that he had never had any problem skiing in Lake Mayan when he was a young man.

Ms. Christine Teel, Sunrise Intracoastal Homeowners, Association, encouraged the Commission to go forward with the recommendations. She did not think it would be advisable to change existing signage now because they might require additional changes in the future. Ms. Teel suggested the Commission consider creation of a booklet for distribution to the boaters as they entered George English Park, for example. Mayor Naugle thought an educational booklet was an excellent idea. Ms. Teel recalled another suggestion identifying the sizes of vessels with stickers, and she thought that would provide another opportunity to distribute a booklet.

Ms. Joy Triglian, President of the Harbor Beach Extension Association, felt skiing in Lake Mayan was definitely unsafe. She said she would not permit her child to ski on Lake Mayan, and she felt Lake Sylvan was just as dangerous. Ms. Triglian also did not believe children would pay attention to signs. Commissioner Moore believed that could also be said of traffic signs on roadways, and that was the reason why enforcement was provided. He still felt that all the areas should be opened up so there could be a true measure of the results.

Commissioner Hutchinson asked the Police Chief how the Police Department would enforce the signage. Chief Mike Brasfield noted that the Department had been highly criticized for a lack of enforcement with a 10-person Marine Unit in one location in the City. Now, the Unit would attempt to address 6 locations with the same number of officers and considerable distance between each of the skiing areas. Chief Brasfield said he would make this a high priority, but he believed the expression "build it, and they will come." Nevertheless, the Police Department would do everything humanly possible to provide adequate enforcement.

Mayor Naugle noted that the Commission had eliminated Lake Mayan, so the Police Department would have 3 additional areas to patrol. Commissioner Smith believed there was a need for a facility in the northern part of the cities because all of the Marine Patrol's boats departed from the Southeast 15th Street ramp, and it took an hour to reach the Sunrise Intracoastal area. Chief Brasfield thought this action might force that issue, as a facility in the north would reduce travel time. He also noted that special training was necessary before officers could be placed in the Marine Unit.

Commissioner Katz said that when this issue had first arisen, she had spoken with representatives of the marine industry and Broward County, and both favored water skiing. Therefore, perhaps those agencies would work with the City to address enforcement. Mayor Naugle thought that might help provide some overtime hours. Chief Brasfield wanted everyone to understand that overtime was maxed out now. He explained it was not a matter of money but that there were only 10 officers in the Marine Unit. Commissioner Smith wondered if there were other agencies that could assist. Chief Brasfield stated that Fort Lauderdale worked with the Broward Sheriff's Office, but they were not available on a regular basis. He wanted to ensure everyone understood the Marine Unit would be dealing with finite resources and a 40% increase in coverage area.

The City Manager understood the Commission wanted to go with the signs that had been permitted and budgeted. He stated that any change to that plan would delay action and add cost. Commissioner Smith agreed it was his understanding that the formally approved signs would be utilized.

Action: Listed areas to be opened for water skiing excepting Lake Mayan; signs to be posted as discussed.

I-I – Regulation of Signs

A presentation and discussion were scheduled on the regulation of signs Citywide, which might include size, type, location, number, and any other matters related to signs. Notice of the public discussion was published on July 7, 2001. The City Manager introduced Mr. Dan Siff, Planner II, to provide a progress report regarding proposed Sign Code revisions.

Mr. Siff stated that a contract had been entered into with Duncan & Associates in March 19, 1999. As provided by the contract, Duncan & Associates had held several workshops and prepared an analysis of the existing Sign Code. He stated that staff was currently reviewing the consultant's work and planned to present an ordinance sometime in the fall.

Mr. Eric D. Kelly, Duncan & Associates, advised that there had been 4 work sessions with the Planning & Zoning Board, and there had been participation from the small business community, the sign industry, the development industry, and neighborhood groups. Although there had not been a very large group of participants, it had been a very diverse group. Mr. Kelly said the City was already doing some things very well in terms of sign regulation, and businesses needed to advertise.

At 5:16 P.M., Commissioner Hutchinson left the meeting. She returned at 5:17 P.M.

Mr. Kelly stated that the goals of revising the City's sign ordinance included updating it to meet current needs; to clarify standards; to bring it into line with Constitutional requirements based on recent court decisions; and, to balance the public's interest in an attractive environment with its need for information. He advised that the revised ordinance would have a new format to include headers, footers, tables, pictures, definitions and measurements. He stated that definitions would be clarified and the ordinance simplified with the use of illustrations.

At 5:17 P.M., Commissioner Smith left the meeting.

Mr. Kelly described the structure of the ordinance. He explained that permitted signs would be detailed in a master table as a primary guide for simple reference. Mr. Kelly noted that some signs were exempt from the sign ordinance, and the list of exempt signs would be reduced. He advised that wall signs would be limited to 10% of wall area, except in the CC and Central Beach districts, where they could cover up to 25% of wall area. He noted that wall signs would be limited to principal buildings only, and a single-tenant building would be allowed a maximum of 3 wall signs on any wall.

At 5:19 P.M., Commissioner Moore left the meeting.

Mr. Kelly said that a multi-tenant commercial space with separate entrances used regularly used by the general public for one or more uses would be allowed one sign per entrance, bay or tenant for each frontage on a street or travelway. Further, a wall of a commercial building facing and within 100' of a residential area would be limited to the signage allowed for institutional uses in that district. He discussed how wall signs would be measured, and he noted that a sign category of "changeable copy" would be added, and the definition of principal building would be clarified in terms of where signs would be allowed.

At 5:22 P.M., Commissioner Smith returned to the meeting.

Mr. Kelly advised that wall signs would be allowed on a second floor if there were second-floor entrances, and new rules would be proposed for residential and institutional uses. He explained that wall signs would be limited based on total area covered and percentage of wall rather than the number of signs, but the current 20% coverage limit on window signs would be maintained. Mr. Kelly said that new rules limiting window signs to the first floor would be proposed, and improved enforcement of regulations would be recommended.

At 5:23 P.M., Commissioner Moore returned to the meeting.

Mr. Kelly discussed temporary, portable, political, free-standing, directory, institutional, real estate, construction, and safety/wayfinding signs as well as flags. He noted that the current sign ordinance seemed geared towards small properties, so some additional signage would be proposed for very large properties.

Mr. Kelly noted that there had been a problem with businesses being able to erect signs before opening, and that problem had been addressed by staff administratively. He also pointed out that many of the existing regulations would remain unchanged, and a master sign planning process would expedite permitting and encourage planning. Mr. Kelly advised that existing, permitted signs would be grandfathered in even if they did not conform with the new ordinance.

Mr. Kelly said there were 2 issues remaining with respect to the size of directory signs and the use of message center signs. He noted that message center technology was evolving, and he believed Commission direction would be necessary in that regard.

Commissioner Katz asked if neon signs had been addressed. Mr. Kelly advised that no rule changes were being proposed as to neon signs. At present, the regulations were very restrictive, and the Commission might want to consider some more liberal rules on the treatment of neon.

Commissioner Smith referred to second floor signage. He was familiar with one building with a jeweler on the ground floor and an architectural office on the second floor. He thought the architect would be at a disadvantage if a sign could not be displayed in the second floor window. Mr. Kelly advised that he could take a fresh look at that issue. Commissioner Smith noted that there were some residential groups that did not think it was appropriate to have signage along the residential portion of Las Olas Boulevard between the bridge and the Sospiro Canal. He advised that there had recently been a convention, and a banner sign had been displayed in that area, for example.

Mr. Kelly said that section of the ordinance made him a little nervous because the placement of such banners were left to the discretion of the City Commission. He advised that there was the potential for problems if one banner was allowed and another was prohibited. Mr. Kelly noted that some criteria could be established for such banners, such as the number of visitors per year generated by an event, or a track record of 3 years with a minimum attendance of 20,000, for instance.

Commissioner Katz pointed out that this sign ordinance study had been underway for 2 years, and she hoped a report would be presented in October without any further delays. Mayor Naugle asked if the ordinance would go to the Planning & Zoning Board first. Mr. Siff said that would be up to the City Commission. He stated that another Conference item could be scheduled, or staff could proceed with an ordinance to the Planning & Zoning Board. Mayor Naugle felt it should go to the Board.

Mayor Naugle said he had envisioned a lesser percentage of signage than 25%. He often received complaints of signs being too large or intrusive. He supposed that could be a subject considered at the public hearings on the ordinance amendment. Mayor Naugle thought it would be helpful to have some displays or calculations of signs on existing buildings.

Commissioner Smith understood existing signs would be grandfathered in. The City Manager agreed that was the intent, with the exception of temporary signs that would come down at the end of the year. Mayor Naugle suggested an amortization period of 5 to 10 years for existing signage. He also desired some graphics and photographs of existing signs to lend perspective. Commissioner Katz agreed she would like to see the difference between 15%, 20%, 25% and 30% of coverage.

Mr. Chris Wren, Office of Community & Comprehensive Planning, said he would like to explore some more restrictive sign regulations and obtain input from the Planning & Zoning Board. Insofar as the process was concerned, this interim report had been provided at the Commission's request. If the Commission wanted to move the process more quickly, staff could draft the ordinance for presentation to the Planning & Zoning Board rather than coming back to another Conference meeting first. In that fashion, the ordinance could be presented for public hearings in the fall. Mayor Naugle thought that was a good idea. It was agreed.

Commissioner Smith did not favor the idea of an amortization period. He pointed out that some businesses had been in existence for many, many years, and he did not want to force small businesses to buy new signs. Mr. Kelly stated that the issue had been discussed, but there had not seemed to be a lot of interest. Mayor Naugle suggested a 10-year amortization period. Mr. Kelly noted that if a building were being remodeled, for example, the signs would have to conform to the new regulations.

Commissioner Moore referred to 14' signs. He asked why that recommendation was being made. Mr. Kelly advised that staff was still studying that issue, and the recommendation pertained only to major commercial corridors. He explained that some additional areas had been developed since the Code had been written about 20 years ago. Mr. Wren agreed this pertained to high volume areas such as Cypress Creek Road. He noted that while the Commission had heard the consultant's recommendations, staff had not finalized its recommendations yet. Mayor Naugle suggested ground signs in these locations. Commissioner Moore did not want 14' signs even on major roads.

Commissioner Moore supported the idea of ground signs, and he thought a 10-year amortization period would be appropriate. He also thought some tasteful neon signs would be acceptable. Commissioner Smith said he could live with a 10-year amortization period. Commissioner Moore asked if some sample neon signs could be provided to the Commission along with the other graphics discussed earlier. Mayor Naugle said he would discourage changeable copy with the exception of large venues.

Action: Ordinance to be drafted as discussed.

OB – Northeast 30th Street Closure

Commissioner Smith stated that the Lauderdale Beach neighborhood wanted to request a public hearing on September 5, 2001 on a partial street closure on Northeast 30th Street.

A representative of the Lauderdale Beach Homeowners' Association explained that the ultimate plan was to build a permanent traffic light at Northeast 30th Street at A-1-A. He stated that the street was very narrow, and there was a plan for a guardhouse. The proposal was to allow exiting from 30th Street onto A-1-A both northbound and southbound, with no entry except for pedestrians and emergency vehicles. He reported that the neighborhood had been polled, and 151 residents favored the proposal while 10 were opposed. Insofar as the East Shore Condominium, 19 of 24 residents favored the proposed. He noted that the Sea Tower Condominium opposed the proposal 4 to 48, and 25 residents had not responded. He believed that was due to the fact that several of the 3 or 4 property entryways would be affected.

Mr. Paul Vodrano, Lauderdale Beach neighborhood resident, understood the Sea Tower residents were primarily opposed to this proposal, but many of the units in that building were shuttered for a good part of the year.

Mr. John Dorsey said he had been a resident of the beach area for 25 years, and he recalled some strong past recommendations about restricting access into and out of the neighborhood. Further, 3 years ago, the City Commission had instructed this Association to abide by the ordinance regulating street closures, which called for support by 65% of the affected residents. Mr. Dorsey advised that he had counted the affected units himself. There were 280 property owners -- 107 Co-Op and Condominium owners, 176 single-family residences, and 3 vacant lots. Mr. Dorsey concluded that 182 votes were required before a proposal could be presented to the Commission under the street closure ordinance. He said that he was not present to argue the merits of the closure, but he felt the neighborhood should have to abide by the ordinance.

Commissioner Smith said he had been told by Peter Partington that a public hearing was not required in this case because a full street closure was not proposed, although he felt that would be prudent as there was a difference of opinion on the issue. The City Attorney stated that a street closure was a structural modification intended to limit or redirect traffic, so he believed a good argument could be made that this was a street closure. He advised that the 65% threshold had been under debate in the community, but that did not limit the Commission from bringing a subject up for discussion or a hearing.

Commissioner Hutchinson wished to see the petitions. Commissioner Smith stated that 90% of the single-family home owners favored a public hearing. Commissioner Hutchinson felt that all neighborhoods should be treated equally, so if 65% support had been required in Edgewood, for example, she felt it should be required in this neighborhood. Mayor Naugle agreed the Commission had a policy of treating all the neighborhoods the same. Commissioner Moore agreed a neighborhood should build consensus before street closures were moved forward, which had been the reason for his support of the 65% policy. It was the consensus of the Commission that 65% of the affected residents should support the proposal before a public hearing was scheduled, although Commissioner Smith noted that a single opposing condominium in this area had skewed the percentages.

Action: As discussed.

At 5:57 P.M., the meeting was recessed. It was reconvened at 7:45 P.M.

**I-J – Project 10247 – Northeast 33rd Avenue/
Dolphin Isles Area Special Assessment Project**

A discussion was scheduled on the proposed Northeast 33rd Avenue/Dolphin Isles Area special assessment project. Mayor Naugle noted that the recommendation was to go forward with this project and schedule a public hearing. He asked when the public hearing would be held. Mr. Pete Sheridan, Assistant City Engineer, anticipated a March hearing. In the meantime, a detailed design would be worked out with input from the community. Mayor Naugle understood 60% of the area supported the project so far. He asked how much money would have to be spent between now and March. Mr. Sheridan estimated the cost at \$100,000.

Commissioner Hutchinson asked if the \$100,000 cost would be recovered through the assessment. Mr. Sheridan replied that the City would recover the cost through a special assessment if it were approved.

Mr. Gary Sieger, President of the North Beach Island Alliance, noted that sending out 1,300 surveys and obtaining a 50% response rate with a 60% approval rate had been a great deal of work. He believed the whole neighborhood would be very excited about this project.

I-K – Economic Development Plans and Progress

A discussion was scheduled on the aspects of the Economic Development Division, including recent successes, comparisons with neighboring cities, and future projects, as requested by Commissioner Katz. Commissioner Katz noted that there had been a recent newspaper article about property values throughout Broward County. Although values in Fort Lauderdale had increased quite a bit, the percentage of new properties had been only 2.2%. She wondered if the Commission should consider some other issues rather than those presented by Mr. Witschen not long ago. Commissioner Katz had examined some previous reports as well, and there had been 3 plans devised for economic development – one in 1997, a second in 1998, and a third in 1999. She wondered if all those plans had been examined because it appeared the City was “all over the place” in terms of marketing. Commissioner Katz thought it was necessary to first decide whom the City wanted to target in terms of marketing, whether those targets were tech companies or those interested in the Foreign Trade Zone, for example.

Commissioner Moore agreed, but he felt the City had to examine the Foreign Trade Zone approach and the tech companies. He did not think a single approach would be best, and preferred to examine industries that were on the move and if the City had the necessary infrastructure to attract them. Mayor Naugle understood Commissioner Moore was referring to diversification. Commissioner Moore agreed diversification was best. Commissioner Katz believed the concentrating on small business and business retention was going in the right direction, but she thought there should be some strategy developed in one or two areas.

Mayor Naugle thought the International Board or the Broward Alliance could provide useful input. He noted that there had been concentration on international trade. Mayor Naugle thought solving problems in the Building Department would have ten times more impact than anything else in terms of economic growth in the City. Commissioner Katz agreed that was necessary, but she felt the Commission should provide direction to the Economic Development Department about what it wanted them to concentrate on. She noted that incentives had not been discussed. Mayor Naugle believed that attracting big businesses depended upon either vacant land or vacant commercial space, and the developers had their own experts. He felt empanelling people like that would have better results than seeking help from people “sitting at a government desk.”

Mr. Pete Witschen, Assistant City Manager, stated that staff was working on a marketing plan for the Attraction Program, and there had been a lot of analysis from the Broward Alliance. Another component involved funding a large amount of the initiative through the Airport in terms of advertising the Foreign Trade Zone, so it would have to benefit those targeted industries. Mayor Naugle requested a list of the targeted industries. Mr. Witschen added that another initiative involved purchase and consolidation of the Lakeview Tract for development of commercial space.

Commissioner Katz did not favor a broad-based marketing effort that would require hiring someone just to handle phone calls. She felt there should be a concentration on something in particular. Mr. Witschen agreed the intent was to have contacts with the City referred to brokers and realtors with space.

Mayor Naugle hoped that the City kept doing its marketing pieces in multiple languages so as to concentrate on international trade. Commissioner Katz asked if the Commission would provide direction if Mr. Witschen brought back a list of targeted industries. The City Manager thought that was a good idea, and he thought a workshop session should be scheduled to go over the material Mr. Witschen was compiling and to discuss efforts to date. He pointed out that a key component of economic development was leveraging the various organizations and agencies working toward the same end. The City Manager did not believe the City had to do everything, but it had to be a part of the process.

Mr. Witschen noted there was not really anything at the State or County level that dealt with job generation. He said that was a market the City would have to address, and there was also a corporate retention effort in which staff was trying to craft a local incentive for Commission consideration in September.

Action: As discussed.

I-L – Request from City of Hollywood – Rename Lake Mabel in Port Everglades to Hollywood Harbor

A request had been received from the City of Hollywood for support of the renaming of Lake Mabel, located in Port Everglades, to Hollywood Harbor. Mayor Naugle wanted to handle this issue in a sensitive way since Hollywood was the City's neighbor to the south, and there were a lot of things on which both cities could work together. Nevertheless, he did not support this request because he thought it would be "playing with history" in a way that was troubling. He pointed out that very few geographic locations in Florida were named for women, particularly in South Florida. In this case, the Lake was named for Mabel White. Mayor Naugle said it had been named for her in 1988, and he did not favor naming it for a company that had gone bankrupt in the 1920s.

Mayor Naugle understood Hollywood's desire to increase its exposure, but he did not think this was the way to go about it. He hoped the Commission would adopt a resolution opposing this request so the other bodies involved would know Fort Lauderdale did not support it. He also wanted Hollywood to know that the City wanted to work in partnership in the future and help in any way possible, particularly as to the development of Port Everglades on projects of mutual benefit.

Commissioner Hutchinson agreed with Mayor Naugle. She also agreed it was a sensitive issue, but she did not support this request. Mayor Naugle noted that Lake Mabel was located between Fort Lauderdale and Hollywood, and Commissioner Smith suggested two names. In the spirit of cooperation, he felt some compromise could be reached. He pointed out that Fort Lauderdale had a lot of streets with two names and suggested Lake Mabel/Hollywood Harbor. Commissioner Katz said she was going to make a similar suggestion.

Commissioner Moore thought that if the City were not going to support the request, it would be best to take no action at all. Commissioner Smith agreed. Mayor Naugle understood that Hollywood would be sending a request to the U.S. Board of Geographic Names and to the County. Commissioner Hutchinson thought "no action" could be construed either way by other bodies.

Commissioner Smith asked if one municipality could request a name change for something located in another municipality. The City Attorney replied that such requests could be made. Commissioner Smith understood the founder of Hollywood had discovered this lake. Mayor Naugle advised that was not true. Commissioner Smith favored either taking no action or suggesting a co-name. It was the consensus of the Commission to take no action.

Action: None.

II-A – Parks General Obligation Bond (GOB) Quarterly Report – Second Quarter of 2001 (April through June)

A report was presented on the progress of the Parks GOB projects for the second quarter of 2001 (April through June). Commissioner Katz inquired about Palm Aire Village Park. She wondered if it was still pending in the Building Department. Mr. Pete Sheridan, Assistant City Engineer, stated that the first review had been completed, and modifications had been made. He expected the plans to be resubmitted on Monday for the final review and bid. Mr. Sheridan anticipated seeking bids at the end of August.

Action: Status Report.

II-B – Purchasing Contract Extensions (October through December 2001)

A report was presented on the contracts due to be extended for the upcoming calendar quarter (October through December 2001).

Action: Status Report.

II-C – 2001 Neighborhoods USA (NUSA) Conference

A citizens' report on the NUSA Conference was scheduled as requested by Commissioner Hutchinson. She noted that the citizens had been here earlier, and Commissioner Smith suggested the item be rescheduled for September. Commissioner Hutchinson said she would ask, but she wanted to suggest now that a small amount of funding be provided to send participants to the Conference in May. It was agreed. Commissioner Hutchinson wanted to send at least 8 people, and there were no objections. Commissioner Smith understood she was interested in sending first-time participants, and Commissioner Hutchinson agreed she wanted new people to attend as suggested by the Commission.

Action: Funding to be identified for up to 8 participants.

II-D – State Road 7/U.S. 441 Corridor Planning Initiative Partnership Committee Members

A report was presented on the designation of Commissioners Moore and Hutchinson as members of the State Road 7/U.S. 441 Corridor Planning Initiative Partnership Committee. Commissioner Hutchinson said she wanted to be the designee, but she could not attend the meeting scheduled for July 19, 2001. Commissioner Moore said he would be happy to serve as an alternate. Mayor Naugle suggested that a staff member attend the meeting on the 19th and announce that Commissioner Hutchinson would be the member, and Commissioner Moore would be the alternative. It was agreed.

Action: Commissioner Hutchinson appointed member; Commissioner Moore appointed alternate.

II-E – Former New River Post Office Site

A report was presented on the release of the Request for Qualifications (RFQ) and Interest for the former New River post office site. Commissioner Moore asked if this was only for non-profit groups. That was not Commissioner Hutchinson's understanding. Commissioner Katz felt it should be open to everyone, and had also heard some other ideas about things that could be done in that area. Since there was no rush, she thought the City should wait a little bit and consider some of those ideas before releasing the RFQ. Commissioner Hutchinson thought that would basically be the result of the RFQ.

Mayor Naugle noted that the Commission had agreed to do this within 60 days, and it had been 120 days already. He pointed out that if the RFQ was released and nothing came back that pleased the Commission, the City could always reject all the proposals. In the meantime, if something else came up, the RFQ could be amended.

Mr. Chuck Adams, Redevelopment Manager, explained that this was being structured as both an RFQ and an interest approach. He recalled that the Commission had been anxious to determine the types of ideas that existed, so this was a first phase approach to gauge that interest. He noted that the Commission could decide about a non-profit approach in September, or if they wanted to take the private route, a second phase approach could be undertaken.

Commissioner Hutchinson understood the City would not be bound by this action. Mr. Adams agreed this would be a very general, flexible approach to gauge interest. Commissioner Katz wondered if there was any interest in a government building. She did not think a governmental agency would respond to the RFQ. Mayor Naugle did not think valuable property on the water should be used for a government building.

Commissioner Moore supported staff's recommendation, particularly since the City would not have to act on it if the Commission did not feel the responses contained anything of quality. Commissioner Hutchinson pointed out that government buildings were usually taller than 25', and she recalled the Commission had reached consensus not to have anything taller than that.

Commissioner Smith asked how the RFQ would be advertised. Mr. Adams stated that it would be advertised as broadly as possible, and he had already been contacted by 4 entities, so they would receive specific invitations. Commissioner Smith understood it would be advertised in the local newspapers. Mr. Adams agreed that was correct. Commissioner Smith wondered if it would make sense to advertise in the "New York Times" or the "Wall Street Journal." Mr. Adams did not believe so. Commissioner Moore thought that would be too expensive.

Mr. Kirk Buffington, Purchasing Manager, noted that staff would also develop a list of parties they thought might be interested.

Commissioner Moore pointed out that any RFQ could be put on the "Demand Star" web site, and it would be seen around the world. Mr. Buffington stated that everything automatically went up on the City's web site. Commissioner Smith thought there might be some top-notch museum outfit somewhere seeking another location. Mayor Naugle suggested advertising in a museum publication or web site. There were no objections. It was clarified that interest from both profit-making and non-profit entities would be solicited.

Action: As discussed.

II-F – Boat Slips, Docks, Davits, Hoists and Similar Mooring Devices

A report was presented on the permitting of boat slips, docks, davits, hoists, and similar mooring devices on canal ends. Commissioner Moore noted that the Conference Reports section of the agenda used to involve informational reports, but it seemed as if a lot of action was being taken on Report items. Mayor Naugle understood he wanted this item scheduled for Conference discussion in September rather than as a Report item.

Commissioner Smith wondered if there was some action staff wanted the Commission to take. Mr. Pete Witschen, Assistant City Manager, desired only acknowledgement that staff would not be pursuing Notices of Violation (NOVs) on the docks unless so noted in the report. Commissioner Katz did not support that idea. She thought it would be a mistake to put a moratorium on any kind of enforcement issue. Mayor Naugle noted that even if NOVs were issued, they would not come up for action before the Commission discussed this in September. He asked, however, that no physical arrests be made.

Action: As discussed. Subject to be scheduled for September Conference discussion.

III-B – Advisory Board Vacancies

1. Aviation Advisory Board

Commissioner Hutchinson wished to appoint Mr. Bernie Petreccia to the Aviation Advisory Board.

Action: Formal action to be taken at Regular Meeting.

2. Beach Redevelopment Advisory Board

Action: Deferred.

3. Board of Adjustment

It was the consensus of the Commission to appoint Ms. Christine Teel as an alternate member of the Board of Adjustment. Mayor Naugle hoped an advisory board vacancy could be identified for Mr. Winsett.

Action: Formal action to be taken at Regular Meeting.

4. Budget Advisory Board

Action: Deferred.

5. Community Appearance Board

Commissioner Moore wished to reappoint Mr. John S. Paulus III to the Community Appearance Board.

Action: Formal action to be taken at Regular Meeting.

6. Local Law Enforcement Block Grant Advisory Board

It was the consensus of the Commission to appoint Chief Michael Brasfield, Chief Ed Hardy, Carol L. Ortman, Monic Hofheinz, and Sandi Johnson to this Board.

Action: Formal action to be taken at Regular Meeting.

7. Marine Advisory Board

Action: Deferred.

8. Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Commissioner Smith wanted to appoint Mr. Brice Lambrix to this Board.

Action: Formal action to be taken at Regular Meeting.

9. Unsafe Structures & Housing Appeals Board

Action: Deferred.

IV – City Commission Reports

1. Employee Complaints

Commissioner Katz had seen in the newspaper that Henry Latimer was defending the City in one area and investigating something in another area. The City Manager explained that a member of the Broward County Human Rights Board had voiced his sentiments as to whether or not Henry Latimer, Special Counsel, should defend the City in certain cases and also perform the role of investigating certain complaints lodged by the EEO Director, Ms. Cowart. He believed Mr. Latimer had correctly answered in the media that he did not feel there was a conflict, and he had vast experience in these others. The City Manager said he had consulted with the City Attorney in this matter as well, and he did not feel there was a conflict. Commissioner Katz believed there was a conflict in the “eyes of the community.” The City Manager thought that might be true if Mr. Gorley reflected the entire community. As he understood the newspaper account, an opinion had been sought from a legal ethics professor who had concurred that there was not a conflict, although he had not thought it was the best course for Mr. Latimer to pursue. The City Manager was comfortable relying on Mr. Latimer’s judgment in this regard, as well as the City Attorney’s opinion.

Mayor Naugle thought the proof would be in the recommendations presented by Mr. Latimer. Commissioner Katz wondered if everyone would believe in his results. Commissioner Moore did not care what he came up with because he was a well-respected member of the community. He preferred someone of his stature conducting the inquiry.

The City Manager noted that when other parties taking action against the City or on behalf of others could have multiple cases and clients, yet when the City pursued the best counsel available, there seemed to be automatic questions about conflicts.

Commissioner Smith asked the City Attorney if he felt there was any conflict. The City Attorney did not believe there was any conflict under the Code of Ethics applied to lawyers in the State of Florida or under the Public Officials Code of Ethics. He noted that Mr. Latimer was a former Circuit Court Judge, and a leader in the State, and he was glad Mr. Latimer was willing to undertake what could be a very difficult task on behalf of the City. The City Attorney stated that outside counsel often reviewed matters and advised of any problems that should be corrected, and he was sure that Mr. Latimer would do the same.

Action: None.

2. Las Olas Riverfront

Commissioner Moore stated that there was a lot of vacant space throughout Las Olas Riverfront, and he hoped the City would do whatever could be done as quickly as possible to bring the operators and managers in to discuss the situation. He said he had spent some time there this weekend, and there were a lot of vacancies, which concerned him. Commissioner Moore hoped some method could be found to address the problem.

Action: As discussed.

3. Vacant Positions in Police Department

Commissioner Moore pointed out that the Police Department had a year to fill vacant positions, and that had not occurred, so he felt the money should be reappropriated to address other needs. He did not believe the positions were needed if they had not been filled. Commissioner Smith said he had received a complaint just the other day in which several youths had been beating another youth, and it had taken 45 minutes for the police to respond because there had been so many calls. He stated that if Commissioner Moore had officers with nothing to do in his district, he could use some on the evening shift in his district.

Commissioner Moore did not think there were enough officers in his district or in Commissioner Smith's. He did not feel that was appropriate or to have positions going vacant. Commissioner Moore thought that if the Police Department needed to fill those positions than it should do so. Failing that, he felt the money should be used to provide other services to the community. He pointed out that the money was doing no good just sitting there. Commissioner Moore said he had nothing but positive things to say about the Police Department's efforts in many areas, but he was unhappy that there were monies allocated for 35 positions that were not being utilized.

The Police Chief stated that this situation was not unique to Fort Lauderdale. In fact, it was endemic throughout the nation, whether it be due to the economy or different career desires. However, the money earmarked for those positions was being used for other needs, but it would be made available as soon as the positions were filled. He invited Commissioners to sit in on one of the hiring committee meetings to listen to the dialogue that went on in decided which individuals to hire or not. Commissioner Moore preferred a presentation to the Commission about the selection process. The Police Chief said that had been done in the past, and he would be happy to provide that information again. He advised that polygraph testing was one issue. He wanted to have that as a tool to determine if, on balance, a candidate showed promise and good citizenship rather than as a pass/fail hindrance to hiring.

Action: As discussed.

4. Broward League of Cities

Commissioner Moore said he'd had the pleasure of representing the Broward League of Cities as a representative of the City. He stated that he and Mayor Naugle had attended a State board meeting in Orlando recently, and a number of issues of importance to municipal governments in the State of Florida had arisen. Commissioner Moore reported that he was hoping to be elected as Second Vice-President. He stated that the nominating committee would convene on August 24, and a vote would be taken on August 25, 2001. Mayor Naugle thought Fort Lauderdale would be the first City to have had 3 positions on the board. Commissioner Moore felt that if this came to pass, Fort Lauderdale would have a much stronger voice in State issues. He also expressed appreciation to staff for helping him with his presentation to the nominating committee.

Action: None.

5. Recognition of Neighborhood Associations

Commissioner Hutchinson recalled that when she had first been elected to the Commission, she had noticed that there had been no way to recognize neighborhood associations. Therefore, the Council of Civic Associations had brought itself back, and its Board of Directors had taken a position and provided a report. She distributed copies of the report for the Commission's information and asked that the subject be scheduled as a Conference item in September or October.

Action: Subject to be placed on Conference agenda.

6. Timing of City Commission Reports

Commissioner Smith felt it was important to have Commission Reports at a time certain during Conference meetings. He noted that the Commission had tried to do that, and he felt 5 o'clock should be designated. Mayor Naugle did not have an objection, but he did not feel delegations of constituents should be brought in on issues under Commission Reports. He felt those subjects should be scheduled as regular agenda items so everyone could prepare and so the Commission did not take action on items that had not been advertised.

Commissioner Smith said he was talking about scheduling Commission Reports for a time certain. Mayor Naugle felt that related to the process, and he thought the Commissioners should schedule particular items on the agenda rather than raising them as Reports. Commissioner Smith thought Commission Reports was a time for Commissioners to discuss subjects of interest within the different districts. He felt that if citizens wanted to be present to "weigh in" on any matters that might come up, that was acceptable. Commissioner Smith felt Commission Reports was the best opportunity the Commissioners had for furthering agendas for their districts. He hoped Mayor Naugle would keep trying to schedule Reports for 5 o'clock.

Action: As discussed.

7. August Recess

Commissioner Smith wanted to wish the Mayor and Commissioners a nice summer hiatus.

Action: None.

V – City Manager Reports

1. Beach Parking Lots

The City Manager noted that the Commission had recently taken action with respect to the hours of operation of municipal parking lots in the beach area. He asked Mr. Bud Bentley, Assistant City Manager, to provide a report in this regard. Mr. Bentley distributed a “Friday memo” and said that the closing of the lots, particularly the Oceanside and Las Olas Lots, went very well last week. He advised that 35 tickets had been written on Saturday morning, 17 tickets on Sunday morning, and 5 tickets on Monday morning. Commissioner Moore asked what the tickets were for, and Mr. Bentley explained they were for cars in the lots after 2:00 a.m.

Commissioner Moore thought the Commission had decided not to allow entry into the lots after 2:00 a.m. Apparently, staff had thought the Commission wanted individuals ticketed for being in the parking lots after 2:00 a.m. Mr. Bentley agreed that had been his understanding. Commissioner Moore felt that even if this had been considered successful, he preferred to simply not allow entry into the lots after 2:00 a.m. He did not have a problem with cars that remained in the parking lot after 2:00 a.m., although he acknowledged that might sound like a contradiction.

Commissioner Hutchinson agreed she had been under the impression that cars would not be allowed to enter the lots after 2:00 a.m., but that the cars already there would be permitted to stay. Mayor Naugle believed the tape of the meeting would bear out that understanding. The Police Chief felt the tapes would reveal that for the first few nights, it had been the Commission’s direction to take a very gentle, gradual approach to alert people to the fact that they could not get in after a certain hour. However, it was his recollection that the Commission had also discussed ticketing because simply stopping entry would not accomplish the purpose. The Police Chief explained that anyone going to any of the establishments in question at 10:00 or 11:00 p.m. did not care if entry to the lots was cut off at 2:00 a.m. as they already had spaces until the clubs closed at 4:00 a.m.

Commissioner Moore asked what the posted signs indicated. While the Police Chief obtained that information, Commissioner Smith thought that if the Commission’s intent had been unclear, the tickets issued should be “thrown in the trash.” It was his preference to have no cars left in the lots after 2:00 a.m. He pointed out that this was when all the troubles were occurring at the beach. Commissioner Smith felt it would be prudent, from this weekend on, not to allow any cars to park in that lot after 2:00 a.m.

Mr. Bentley, in answer to Commissioner Moore’s earlier question, advised that the signs indicated the lots closed at 2:00 a.m. Commissioner Moore did not think that provided enough information. He felt if the lot was closed at 2:00 a.m., the sign should indicate that cars remaining after that hour would be ticketed. Commissioner Hutchinson agreed. Commissioner Smith believed the sign was more descriptive than Mr. Bentley had indicated. The Police Chief understood the sign said “no parking after 2:00 a.m.” Mayor Naugle noted that was different than “lot closed at 2:00 a.m.”

Commissioner Katz said she had been under the impression that the lots would close at 2:00 a.m., and people would be given a half an hour to remove their vehicles, after which they would be towed. Mayor Naugle recalled that the Commission had decided to discuss the idea of towing this evening after the City Manager had prepared a plan.

Mr. Bentley advised that he did not have a copy of the sign, but signs were posted at every meter. Commissioner Smith felt cars should be removed by 2:00 a.m. and suggested that the lots be manned from midnight to 2:00 a.m. The Police Chief advised that was what was being done.

Mr. Craig Fisher, of the Leisure Beach Condominium, said that this past Friday, Saturday, Sunday and Monday had been the most peaceful in 3 years. He stated that he and his neighbors thanked the Commission for taking this action to address this problem. Mr. Fisher believed the signs were adequate, and everyone was well informed that cars would be ticketed if they remained after 2:00 a.m., although tickets had not been issued until 2:30 a.m. Mr. Fisher thought towing cars might be too harsh and believed ticketing would be adequate.

The City Manager wished to recap the Commission's direction in this regard. He had understood the Commission wanted a "soft entry" into this and had not wanted any towing initially, although some type of enforcement had been necessary. If it was the Commission's direction to forgive the tickets already issued, he felt that could be done. He advised that letters would be sent to residents and businesses in the area informing them about the new hours for the parking lots. The City Manager wished to continue with the current method of implementation, but he believed the ultimate enforcement would be towing at some point for those who persisted in violating the posted regulations. Nevertheless, that action could be delayed to ensure everyone had been educated in this regard over the next week.

The City Manager stated that there had been a 2:30 a.m. "allowance time," but his interpretation had been that the Commission only desired that initially while the public was educated about the new hours. He was concerned that the 2:30 a.m. exception would become the rule.

Mayor Naugle preferred not to tow cars and suggested that ticketing alone be employed over the summer at least. At the end of the summer, the Commission could consider additional enforcement activity. He wondered how many tickets someone could get before a car was "booted." Mr. Bentley did not have that information with him. Mayor Naugle was concerned that someone might risk driving drunk in order to avoid towing.

Commissioner Smith suggested that the Commission make a decision at 2:00 p.m. on September 5, 2001. Mayor Naugle understood tickets alone would be issued until the Commission had made that decision. The Police Chief felt the Police Department should have the ability to use discretion if the same vehicle was observed after hours night after night, for example. There were no objections.

Commissioner Hutchinson asked if the parking meters would allow someone to only insert one hour's parking fee if they pulled in at 1:00 a.m. Mr. Bentley stated that computer chips had been ordered so money would not be accepted after certain hours. He noted that the street meters were coin operated on Birch Road, so money could always be added, but the multi-space meters could be reprogrammed, and all the meters were posted with the 2:00 a.m. closing time.

Mr. Bentley reported that the South Beach parking lot had seen an increase in use and an increase in illegal use with people entering the lot after hours. He stated that staff had some administrative recommendations they wished to implement – moving the closing of the lot to midnight to be consistent with the other days of the week and requiring that vehicles be removed by 2:00 a.m. Mr. Bentley added that the \$3 entry fee would come later as an ordinance amendment was necessary. Commissioner Smith asked how illegal entry through the exit would be addressed. Mr. Bentley replied that the parking lot would be manned.

Commissioner Moore asked how long it would take the Parking Division to staff these lots because police officers were working overtime to enforce parking regulations. The City Manager said that the Police Department had been manning the lots at his direction because of the short period of time allowed to implement this closure. He noted that public service aides had been utilized as much as possible, along with parking enforcement personnel. The City Manager stated that it was not his intention to have these parking lots manned by police officers. The Police Chief said that a combination of personnel had been utilized but, because of the reductions of incidents, there had been a little more latitude in the Police Department's ability to provide that coverage. He advised that the intention was to use parking enforcement personnel first, followed by public safety aides, and police officers utilized only in a worst case scenario. He noted that some problems had also been anticipated as a result of the regulation change, so he felt it had been necessary to use police personnel initially to set the proper tone. The City Manager believed that there would be sufficient parking enforcement personnel by the end of August.

Action: As discussed.

IV – City Commission Reports (Continued)

8. Alcohol Rollback Ordinance

Commissioner Katz asked the City Attorney if he could put something together so the City could pursue the rollback law that had been enacted a year ago. The City Attorney said he would prefer to meet with Commissioner Katz in that regard. Mayor Naugle said he was disappointed that the ordinance had not been used, but he did not want to have any discussion that might compromise law enforcement efforts in progress.

Action: None.

Meeting adjourned at 9:15 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.